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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,158	03/24/2005	Peter John Dominey	1849021US1ANP	2094
27542	7590	01/08/2008	EXAMINER	
SAND & SEBOLT AEGIS TOWER, SUITE 1100 4940 MUNSON STREET, NW CANTON, OH 44718-3615			KO, STEPHEN K	
			ART UNIT	PAPER NUMBER
			4151	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,158	Applicant(s) DOMINEY, PETER JOHN	
	Examiner STEPHEN KO	Art Unit 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>24 March 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both indent outlet and scrapper (see page 5, L.13 and L.20; and page 6, L.22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities: "The relief puq 34 is attached" is apparently written as "the relief plug 34 is attached" (See page 6, L.15).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al (US 4,765,354) in view of Bannan (US 4,982,471).

4. Thatcher et al teach a paint roller cleaner comprising a container (read as housing, Fig.1, #11, col.3, L.42) having an cylindrical open end (read as opening, Fig.1, #14, col.3, L.44) adapted to receive a paint roller. The container is very close fit around a paint roller, which is fully capable for removing paint therefrom (Fig.1). The paint roller cleaner also has an L-shaped detent slot (read as external locking means, Fig.2, #15, col.3, L.50) for locking in place the handle portion of an applicator (read as paint roller, Fig.1, #17, col3, L.54) in the container (read as housing, Fig.1, #11, col.3, L.42), whereby a pressurized solvent fluid (read as cleaning fluid, col.4, L.13-14) may be introduced into the container (read as housing, Fig.1, #11, col.3, L.42; col.4, L.12-15).

5. Thatcher et al do not teach a paint roller cleaner comprising an outer flange portion for removing paint from the paint roller.
6. Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).
7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Thatcher et al by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller.
8. For claim 2, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a hook designed to lock around and restrain the handle of the paint roller (Thatcher et al, Fig.2. #15, col.3, L.50-54).
9. For claim 3, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is located close to the open end (Thatcher et al, read as opening, Fig.1, #14, col.3, L.44) of the container (Thatcher et al, read as housing, Fig.1, #11, col.3, L.42) in which the paint roller is received.
10. For claim 5, note that the L-shaped detent slot (Thatcher et al, read as external locking means, Fig.2, #15, col.3, L.50) is a snap fit locking means.
11. For claim 6, Thatcher et al do not teach a paint roller cleaner comprising an outer flange portion positioned perpendicular to the axis of the container (read as housing, Fig.1, #11, col.3, L.42) for removing paint from the paint roller.

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12. Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25) perpendicular to the axis of the container to obtain an easy access to the arcuate portion (read as outer flange portion, Bannan, Fig.1, #38, col.3, L.25).

14. For claim 7, note that the outer edge of the arcuate portion (Bannan, read as outer flange portion, Fig.1, #38, col.3, L.25) is a semi-circular indent (Bannan, Fig.1, #38) serving as a scraper for the paint roller so that excess liquid coating (Bannan, read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Bannan, col.2, L.45-47).

15. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nell (US 4,778,534) in view of Bannan (US 4,982,471) in further view of Rossborough et al (US 4,711,258).

16. Nell teaches a paint roller cleaner comprising a jacket (read as cylindrical housing, Fig.1, #10, col2, L.66) having an open upper extremity (read as opening, Fig.1, #13, col2, L.65) adapted to receive a paint roller (Fig.1, col.2, L.27-28), and jacket (read as cylindrical housing, Fig.1, #10, col.2, L.66) being a very close fit around the paint roller (Fig., col.2, L.27-28), which is fully capable of removing paint therefrom. In

operation, a stream of water from a garden hose (read as cleaning fluid under pressure, col.2, L.35) enters into the jacket (read as cylindrical housing, Fig.1, #10, col.2, L.35-40).

17. Nell does not teach a paint roller cleaner having an outer flange portion for removing paint from the paint roller, and an external locking means for securing the paint roller in the cylindrical housing.

18. Bannan teaches a multi-use paint tool comprising an arcuate portion (read as outer flange portion, Fig.1, #38, col.3, L.25) for scraping the paint roller so that excess liquid coating (read as paint, col.2, L.46) may be squeezed or scraped from the paint roller (Col.2, L.46-47).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell by adding an arcuate portion as mentioned in Bannan to achieve higher efficiency in cleaning paint roller. Moreover, simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious (Predictable result).

20. Both Nell and Bannan do not teach a paint roller cleaner having an external locking means for securing the paint roller in the cylindrical housing.

21. Rossborough et al teach a paint roller cleaner comprising a locating member (read as locking means, Fig.1, #4, col.2, L.36) attached on the cylindrical housing (Fig.1, #1, col.2, L.31). The locating member (read as locking means, Fig.1, #4, col.2, L.36) is a hook, which is upstanding from an outer surface of the housing (Fig.1, #1,

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col.2, L.31) and generally in line axially therewith (Fig.1). The locating member (read as hook, Fig.1, #4, col.2, L.36) is formed by a wall upstanding from the outer surface of the cylindrical housing (Fig.1, #1, col.2, L.31) and curving around to join one another (Fig. 2, #4). Note that as per definition, hook is defined as a curved or angular piece of metal or other hard substance for catching, pulling, holding, or suspending something (www.dictionary.com), therefore, the locating member (read as locking means, Fig.1, #4, col.2, L.36) qualifies as a hook.

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Nell and Bannan by adding a locking means as mentioned in Rossborough et al in order to hold the connecting arm of the paint roller in a fixed predetermined position while the cleaning process is in operation (Rossborough et al, col.1, L.58-60). It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have a hook being formed by walls in order to obtain a stronger hook structure. Although the Rossborough et al do not disclose the locating member (read as hook, Fig.1, #4, col.2, L.36) is formed by walls, the mere duplication of parts has no patentable significance since no new and unexpected result is produced. Consult, *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al (US 4,765,354) in view of Bannan (US 4,982,471) in further view of Yates (US 6,550,489).

24. Both Thatcher et al and Bannan do not teach a paint roller cleaner further includes a pressure relief means.

25. Yates teaches a water parts washing apparatus recirculating a water/detergent solution and spraying same onto an object to be cleaned comprising a cleaning chamber (Fig.1 and Fig.2, #18, col.4, L.15-16) and a vent that act in a manner similar to the function of a pressure relief valve (read as pressure relief means, Fig.2, #32, col.5, L.9-10).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the paint roller cleaner of Thatcher et al and Bannan by adding a pressure relief valve in order to release pressure within the chamber.

27. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al (US 4,765,354) in view of Bannan (US 4,982,471) in further view of Yates (US 6,550,489) and Egan (2002/0166866).

28. Thatcher et al, Bannan, and Yates do not teach the pressure relief means includes a vent opening closed by a plug.

29. Egan teaches a low pressure venting valve comprising a cask (read as vent opening, Fig.3A, #30, end of paragraph [0023]) closed by a plug (Fig.3A).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pressure relief valve of Yates as mentioned in Egan to obtain ease for cleaning, inserting and removing (Egan, paragraph [0008]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KO whose telephone number is (571)270-3726. The examiner can normally be reached on Monday to Thursday, 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 271-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner,

Stephen Ko

/Michael Kornakov/

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Supervisory Patent Examiner, Art Unit 4151